

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CONLEY WOLFORD,

Plaintiff,

v.

CIVIL ACTION NO. 1:07CV83
(Judge Keeley)

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

Pursuant to 28 U.S.C. §636(b)(1)(B), Rule 72(b), Federal Rules of Civil Procedure and Local Court Rule 4.01(d), on June 19, 2007, the Court referred the Application to Proceed Without Prepayment of Fees and Affidavit to United States Magistrate James E. Seibert with directions to submit to the Court proposed findings of fact and a recommendation for disposition. On July 2, 2007, Magistrate Judge Seibert filed his Report and Recommendation and directed the parties, in accordance with 28 U.S.C. §636(b)(1) and Rule 6(e), Fed. R. Civ. P., to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation and further directed the parties that failure to file objections would result in a waiver of the right to appeal from the judgment of this Court. On July 12, 2007, counsel for the plaintiff, Conley Wolford ("Wolford"), filed objections to Magistrate Judge Seibert's report and recommendation.

In his report and recommendation, Magistrate Judge Seibert recommended that Wolford's application to proceed in forma pauperis be denied. The Magistrate Judge based his decision on Wolford's statement on the application that he is "buying a house." In his

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objections, Wolford contends that he receives only \$630 a month in SSI benefits, that he has very little cash, that the filing fee is over one half of his monthly income, and that he "barely has enough money to keep a roof over his head and his utilities on." However, he fails to list his monthly expenses, i.e. house payment, utilities, car payment, etc.

Therefore, based on the information available to the Court at this time, it is unable to determine whether Wolford is capable of paying the filing fee and directs counsel for the plaintiff to provide a listing of Wolford's monthly expenses on or before **September 4, 2007**.

The Clerk of the Court is directed to transmit copies of this Order to counsel of record.

DATED: August 21, 2007.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE